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PATENT
ATTORNEY DOCKET NO.: 46884-5375

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Haruyoshi TOYODA et al.)	Confirmation No.: 5519
)	
Application No.: 10/530,048)	Group Art Unit: 2856
)	
Filed: April 1, 2005)	Examiner: Unassigned
)	
For: PHASE DISTRIBUTION MEASURING)	
INSTRUMENT AND PHASE)	
DISTRIBUTION MEASURING METHOD)	

Commissioner for Patents
U.S. Patent and Trademark Office
Alexandria, VA 22314

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents listed on the attached PTO Form 1449. To the best of the undersigned's knowledge, this Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application. Accordingly, Applicants do not believe that a fee is due for filing this paper.

A Japanese Office Action dated June 6, 2006 that issued in a Japanese patent application and having documents cited therein is attached for the Examiner's consideration. Two of the cited documents are listed on the attached PTO Form 1449 and one of these documents is also attached hereto. The relevance of the attached foreign language document can be understood from the citation of the document in the attached Japanese Office Action dated June 6, 2006 and from the attached English-language abstract. Applicants respectfully request that the Examiner

consider the listed documents and evidence that consideration by making appropriate notations on the attached form.

Two documents listed in the Japanese Office Action were previously cited in an Information Disclosure Statement ("IDS") filed on September 20, 2005 in the instant application. Accordingly, these documents are not attached hereto. In the preparation of the instant IDS, Applicants recognized that a typographical error exists on the PTO Form 1449 that was filed concurrently with the IDS on September 20, 2005 in the instant application. In particular, one of the documents was listed as "WO 98/34800" when it should have read --WO 95/34800--. In light of this situation, Applicants correctly list this document as WO 95/34800 on the attached PTO Form 1449. The subject document was attached with the IDS previously filed on September 20, 2005 and is thus not attached hereto. The Examiner is requested to consider the subject document and initial the attached PTO Form 1449.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed documents are material or constitute "prior art." If it should be determined that the listed documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such document.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should any of the documents be applied against the claims of the present application.

Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this Application, including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required and

including any required extension of time fees, *or* credit any overpayment to Deposit Account No.

50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR**

EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

DRINKER, BIDDLE & REATH LLP

Dated: June 23, 2006

By:

A handwritten signature in black ink, appearing to read "Paul A. Fournier", written over a horizontal line.

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